

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MARJIE LEVY,

Plaintiff,

v.

PFIZER, INC.,

Defendant.

Case No.: \_\_\_\_\_

DECLARATION OF RICHARD REZEK IN SUPPORT OF PFIZER INC'S  
NOTICE OF REMOVAL

I, Richard Rezek, declare as follows:

1. I submit this declaration in support of Pfizer Inc's Notice of Removal. The facts contained in this declaration are based on my personal knowledge or my review of Pfizer's corporate records, and I can testify competently to them if called upon to do so.

2. I am the Director of Sales Strategy at Pfizer Consumer Healthcare (hereinafter, "Pfizer"). In that position, my responsibilities include serving as a liaison between the sales and marketing teams, and helping to set Pfizer's trade strategies in the marketplace. I am generally familiar with the types of retail sales data Pfizer maintains and has access to concerning its consumer products.

3. Pfizer does not itself track the number of retail sales of its Advil products, but certain drug, grocery, and other retail stores in which Pfizer's Advil products are sold regularly report actual point-of-sale (POS) data, including the number of units of Pfizer's products that have been sold in the stores, and the total dollar amounts paid by consumers for the products. Pfizer is able to access this data, and regularly does so in the course of its business.

4. The type of data reported and the level of detail provided varies depending on the particular retailer. Wal-Mart reports detailed POS data, and Pfizer has access to this data dating back to at least 2007. Wal-Mart also breaks down its POS data on a store-specific basis, which allows us to roll up the data on a state-by-state basis. It is therefore possible to obtain POS data for all Wal-Mart stores in a particular state. Wal-Mart reports this POS information on a regular basis, and the information is accessible to Pfizer in the ordinary course of its business through a database called Retail Link.

5. For purposes of this declaration, I have been asked to obtain Wal-Mart's POS data related to sales of Advil in the State of Missouri from November 2007 to October 2012. At my

direction, Pfizer's Wal-Mart team accessed Retail Link, and obtained the relevant POS data for that time period, which is summarized in the following table:

<b>Year</b>	<b>Advil Units Sold</b>	<b>Amount Paid By Consumers</b>
2007 (Nov. and Dec. only)	75,870	\$450,925
2008	408,301	\$2,623,614
2009	380,917	\$2,622,535
2010	367,208	\$2,484,159
2011	373,346	\$2,391,973
2012	310,231	\$2,042,961
<b>TOTAL</b>	<b>1,915,873</b>	<b>\$12,616,166</b>

6. Therefore, according to the Wal-Mart data, between November 2007 and October 2012, consumers purchased 1,915,873 units of Advil in Wal-Mart stores in Missouri, paying a total of \$12,616,166.

7. In addition, Pfizer creates and maintains data in the ordinary course of its business reflecting the total amount of Advil shipped to distribution centers and wholesalers based in Missouri. Based on my review of these records, from November 2007 to October 2012, the following amounts of Advil (measured in dollars, at Pfizer List Price – the price at which Advil is sold to retailers and wholesalers who purchase directly from Pfizer) were shipped to distribution centers and wholesalers based in Missouri. These figures do not include data related to several large retailers, including CVS and Walgreens, which supply their Missouri stores from distributors in other states.

Year	Amount Of Advil Shipped To Wholesalers And Distribution Centers In Missouri
2007 (Nov. and Dec. only)	\$896,808
2008	\$4,153,646
2009	\$4,471,643
2010	\$4,898,468
2011	\$4,308,627
2012	\$3,245,805
<b>TOTAL</b>	\$21,974,997

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 6th day of December 2012, in Madison, New Jersey.

  
Richard Rezek